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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fourth session

PROVISIONAL SUMMARY RECORD OF THE 1027th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 March 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Burundi: Information requested under article 9, paragraph 1, of the Convention (continued)

1. At the invitation of the Chairman, Mrs. Nshimirimana (Burundi) took a place at the Committee table.

2. Mr. WOLFRUM commended the representative of Burundi on her candid presentation of a situation that was worse than catastrophic and noted with satisfaction that, unlike other countries, he could name - Burundi was not rejecting the international community's concern on the grounds that its difficulties were a matter for internal settlement. On the contrary, Burundi was appealing for international involvement and cooperation and the Committee should do everything in its power to respond to that appeal, especially since, up to now, United Nations action had been deplorably ineffective. There was little hope of an early improvement in the situation of human rights in Burundi as a result of the largely declamatory resolution on the subject being discussed in the Commission on Human rights (E/CN.4/1994/L.100).

3. Mrs. Sadiq Ali had provided an informative background report and Mr. de Gouttes and other members of the Committee had called for action rather than declarations. Technical assistance for education and the judicial system was one option, but a prerequisite for the lasting success of any such action, whether internal or from outside, was the restoration of effective control over the country by the civilian Government, the restructuring, if not the disbanding, of the army and the prosecution and punishment of those responsible for massive human rights violations.

4. As far as the army was concerned, it was unlikely that the Government of Burundi could succeed by itself in bringing about the necessary reforms. Assistance by the Organization of African Unity or the United Nations might be necessary.

5. It would also be difficult if not impossible for national courts to bring persons responsible for gross violations of human rights to justice and he was in favour of the establishment, under the auspices of the Security Council, of an international court to try such violations, or what were now known as crimes against humanity, committed not only in Burundi, but anywhere in the world. To that end, he formally requested the Chairman of the Committee to set up a working group to prepare an application to the Security Council for the establishment of a court for the prosecution of crimes against humanity. The application would indicate that the matter had been discussed with reference to the particular case of Burundi, but that the Committee would prefer the court to have general jurisdiction. He hoped that the working group would submit its proposal to the Committee before the end of the present session.

6. Mr. YUTZIS said that he also appreciated the frank explanations provided by the representative of Burundi. He was sure that she could count on the Committee's efforts to help solve Burundi's problems. Within the limits of its mandate, the Committee should differentiate between radical measures with essentially long-term implications and measures which might be equally important, but were urgent as well.

7. For example, the United Nations High Commissioner for Human Rights should be requested to use all the means at her disposal to bring about a reform of Burundi's armed forces or at least to create the conditions whereby the civilian population could conduct its affairs democratically without let or hindrance of any kind from the army. Secondly, all possibilities of prevention, including early warning and urgent measures, should be explored and exploited. Thirdly, urgent measures that would strengthen the Committee's own credibility while contributing to the confidence-building that was essential for the mending of a social fabric torn by years of inter-ethnic civil strife included the provision of assistance for education, the restoration of the judicial system and the judiciary and the rehabilitation of "the intermediate layers" of society, i.e., the many non-governmental and non-political institutions, organizations and associations that had been damaged or destroyed. He agreed that the establishment of an international court, as proposed by Mr. Wolfrum, might serve a useful purpose, but that would be a long-term undertaking. He shared the concern of many governmental organizations and private individuals about the immediate problem of impunity, which should be dealt with at once by bringing pressure to bear at the appropriate levels.

8. Mr. CHIGOVERA, commending the representative of Burundi and thanking Mrs. Sadiq Ali for her detailed analysis of Burundi's plight, said it was clear that urgent assistance was called for. As a national of an African country that had in the recent past been seriously troubled by both racial and ethnic conflicts, his view of the situation might differ somewhat from that of the other members of the Committee. The first step was to determine why Burundi's problems existed and that meant determining how a country that had described itself as culturally and linguistically homogeneous could be so divided against itself. What in fact distinguished a Hutu from a Tutsi and why were they in conflict? Without clear answers to those questions, it might be difficult to suggest lasting solutions.

9. He had listened with interest to the suggestions relating to the establishment of a court for the punishment of persons responsible for human rights violations. He had also listened to the account by the representative of Burundi of cover-ups in the past and to her explanation of the most recent massacres as an attempt to prevent past excesses from being revealed and punished. He understood that the army was effectively in control of the country and could overrule the civilian Government at will. Under those circumstances and given the Tutsis' domination of public life and the economy, the first step towards an improvement in the situation would involve redressing the ethnic imbalance, especially in the public sector. Zimbabwe's experience, which was

matched in Mozambique, Angola and South Africa, had been that concentration on the investigation, prosecution and punishment of past violators could be counterproductive and could, with an additional heavy cost in human lives and suffering, prolong, rather than interrupt, the spiral of violence. Some principles sometimes had to be sacrificed for the greater good. With or without international assistance, a measure of accommodation and compromise must be accepted.

10. The CHAIRMAN, speaking as a member of the Committee, said that he had been impressed by the previous speaker's argument in favour of a policy of national reconciliation. In its progression from totalitarianism to democracy, his own country had also had a great deal of public debate on whether those responsible for past mistakes should be allowed to go scot-free. That debate had yet to be concluded.

11. Of course, Bulgaria's case was far less monstrous than that under discussion or that of some other countries at the present time, but no case could be described as "typical". Where Burundi was concerned, he saw merit in the argument by other members of the Committee that, given the repetitious nature of the massacres occurring there, those responsible must not be left undisturbed. However, the implications of that argument went well beyond the Committee's mandate. He therefore supported the idea of an application for the establishment of a court to prosecute persons responsible for crimes against humanity.

12. Mrs. NSHIMIRIMANA (Burundi) said that one of the questions that had been asked was whether the Government effectively held power in Burundi, since it had no control over the army. Indeed, the army could be described as an abscess from which the country had been suffering for 30 years. It had been suggested that recruitment to the police force should be on a national basis, province by province, commune by commune, so that, eventually, a truly national police force could be built up which would protect the entire population rather than a particular group. The recent coup d'état had shown that such a reform was all the more necessary in the army, but, unfortunately, the army was likely to be unwilling to accept change. Burundi would welcome support from the international community in providing training for the police and the military on the subject of human rights. Such training would not produce improvements overnight, but was bound to bear fruit in the long term.

13. One member of the Committee had asked what the intentions of the Government were after the events of the previous week. Following the crisis that had occurred in October 1993, Burundi had in fact asked for an international force to be sent to the country, not in order to intervene, but rather to exercise control over the actions of the army. The international community had mobilized to take action in Yugoslavia. She could not emphasize strongly enough that the situation was equally dramatic in Burundi and that international help was urgently needed. The crisis had created a refugee problem, as well as a problem of reconstruction. People had fled the country in October, at the time when crops had been due to be sown, and that meant that, even if they returned the country would face a devastating famine. Burundi was currently unable to meet the needs of its people

and one fifth of its population was totally dependent on humanitarian assistance. Even if the Committee was unable to intervene directly, it could help - for instance, by exerting pressure on potential donors - to secure the assistance that was needed.

14. One member of the Committee had urged that dialogue should be established between all parties in Burundi. In fact, such a dialogue had been initiated in 1988 and had led to the adoption of the Charter of National Unity. However, the authors of the Charter had overlooked the principal force in the political life of Burundi, namely, the army. The recent coup d'etat had thus occurred despite the fact that Burundi had a constitution, a multiparty system and free elections.

15. She did not disagree with the point made by Mr. Chigovera: Burundi belonged equally to the Hutus, the Tutsis and the Twa, and all three were entitled to participate in the country's political life. Indeed, 40 per cent of the ministerial posts in the Government, including the post of Prime Minister, were held by members of opposition parties and even the most radical and extremist parties were represented. The Government was aware that the ethnic problem in Burundi was of crucial importance and had made every effort to achieve a proper balance, even to the point of making too many concessions.

16. She fully supported everything that had been said by the members of the Committee and was particularly grateful to the Country Rapporteur for the information she had provided. Unfortunately, it could not be denied that executions and disappearances had taken place in the country and that complaints to the authorities had been ignored. She appealed to the international community to turn its attention to Burundi's problems and to take the necessary action.

17. She would be glad to assist the Committee in its work by providing further information.

18. The CHAIRMAN thanked the representative of Burundi for taking part in the discussion and assured her that all members of the Committee were most interested in continuing the dialogue with her country. Burundi's was one of the rare cases in which the discussion had focused more on finding ways in which the Committee could help than on making criticisms and suggesting possibly unrealistic solutions.

19. The Committee did indeed have a role to play and it would do its utmost to help. What was at stake was the survival of the people of Burundi and the members of the Committee could not close their eyes to that fact.

20. He noted that the first part of the Committee's consideration of the case of Burundi was now concluded.

21. Mrs. Nshimirimana (Burundi) withdrew.

22. The CHAIRMAN suggested that the working group proposed by Mr. Wolfrum to study the question of an international court to try crimes against humanity

should consist of Mr. Wolfrum, Mr. Aboul-Nasr, Mr. Ferrero Costa, Mr. Diaconu, Mr. Shahi and Mr. Rechetov.

23. It was so decided.

24. Mr. de GOUTTES asked whether the working group's mandate should be confined to the question of the international court for crimes against humanity. It might be better to extend its mandate to cover the question of the action the Committee could take with regard to Burundi, particularly by establishing contacts with other bodies dealing with the question.

25. The CHAIRMAN said that, as he understood it, the Country Rapporteur would include the question of what action the Committee could take with regard to Burundi in her draft conclusions. When he had proposed the setting up of the working group, he had had in mind the specific suggestion made earlier by Mr. Wolfrum.

26. Mr. RECHETOV said he fully endorsed the Chairman's view of the position.

27. Mr. DIACONU pointed out that the idea of an international court had been under consideration for some time. Although he was not opposed to the establishment of a working group, he thought that the Committee would have to find a way of justifying such a step, since the subject was not strictly part of its mandate.

28. He believed that it would be more appropriate to communicate the working group's findings to the Secretary-General, rather than to the Security Council, as suggested by Mr. Wolfrum.

29. The CHAIRMAN said that that question should be for the working group to decide.

30. Mr. SHAHI suggested that the Country Rapporteur, Mrs. Sadiq Ali, should be included in the working group, since she had spent a great deal of time on the question of Burundi.

31. The CHAIRMAN said that Mrs. Sadiq Ali already had the task of drafting the Committee's general conclusions. However, the group could be open-ended, and that would allow any other interested members to join if they so wished.

Rwanda: information requested under article 9, paragraph 1 of the Convention

32. At the invitation of the Chairman, Mr. Karamage (Rwanda) took a place at the Committee table

33. Mr. KARAMAGE (Rwanda) said that, since 5 January 1994, Rwanda had been undergoing a constitutional crisis, caused by the unwillingness of party leaders to share power under the terms of the Arusha Agreement of August 1993. He would therefore beg the Committee's indulgence for his Government's shortcomings with

regard to its obligations towards the Committee, which were the result of the troubled situation prevailing in the country over the past three years.

34. Rwanda had always cooperated with the United Nations and its various organs and would continue to rely on their advice. He assured the members that the Committee's report would not be disregarded by his Government: rather, it would be likely to shock the officials concerned into a greater awareness of their responsibilities. Efforts were now being made to prepare a properly drafted report on all aspects of the situation in the country, which would be submitted to the Committee as early as possible.

35. He hoped that his Government's failings would not lead to any break in its dialogue with the Committee, since Rwanda was greatly in need of the latter's support and assistance. Rwanda was more than ever determined to maintain relations with the Committee based on the lofty principles of the United Nations Charter.

36. Mr. BANTON (Country Rapporteur) drew attention to an informal working paper he had circulated to the members of the Committee containing his comments on Rwanda. Paragraphs 1 to 3 reviewed the background to the current situation in the country, paragraph 4 recapitulated exchanges with the Government regarding previous reports and paragraphs 5 to 7 gave an account of developments as from October 1990. Paragraphs 8 to 15 described an investigation by an international commission of inquiry into human rights violations in Rwanda and summarized its findings. Paragraph 16 stated that those developments had come to the attention of the Security Council, which had subsequently adopted a series of resolutions on the subject. Many of the commission's short-term recommendations had been overtaken by the action of the Security Council; however, the Committee should view the situation in the light of the commission's long-term recommendations.

37. There was a case for utilizing of the Committee's urgent action procedures: in paragraph 21, he proposed that the Committee should invite the Secretary-General to convene an international conference as a follow-up to the Arusha Agreement, possibly to draft an international treaty between Rwanda and neighbouring States. Such a treaty should provide for the resettlement of exiles and displaced persons and the protection of ethnic groups, which should reduce the risk of discrimination based on ethnic origin. Any such treaty should also aim to satisfy the Government's legitimate concerns for the long-term viability of the State and its institutions. Paragraph 26 stated that attempts to form a new power-sharing Government had become deadlocked.

38. He pointed out that it was easy to exaggerate the significance of ethnic differences as compared to political differences. The Rwandese Popular Front (RPF) was sometimes seen as an ethnically based, Tutsi-led organization, but it nevertheless had a Hutu President. It was thus difficult to say whether politics or ethnicity carried more weight in any particular circumstance.

39. Critics had raised doubts as to the good faith of the President as an explanation for the delay in forming a new government. Doubt had also been cast

on the President's willingness to accept the State's obligations under international law and to promote the common citizenship of all Rwandans, irrespective of their politics or ethnic origin.

40. He noted that, on 18 November 1993, the United Nations High Commissioner for Refugees had sent a message to the Government of Rwanda drawing attention to its obligation, under article 3 of the Charter of the Organization of African Unity, not to permit refugees from other countries to form armed militias or to involve themselves in Rwanda's affairs.

41. It would be helpful if Rwanda's next periodic report to the Committee could include its replies to the International Labour Organisation (ILO) on compliance with ILO Convention No. 111.

42. In conclusion, he appreciated the willingness of the representative of Rwanda to attend the Committee's session and answer questions, but he would welcome a written reply to the Committee's request for information, preferably by 15 June 1994.

43. Mr. de GOUTTES thanked the Country Rapporteur for his clear account of the origins of the ethnic conflicts currently taking place in Rwanda.

44. He asked the representative of Rwanda what follow-up had been given to the Arusha Peace Agreement which had been concluded between the Government and the RPF and under which an interim government, representing all parties, was to be set up, reforms introduced in the judiciary and a human rights monitoring body established. Secondly, what action had been taken in respect of the findings of the international commission of inquiry on human rights violations in Rwanda? The commission's report had accused the army, the administration and even the judiciary of being responsible for the deterioration of the situation. In that connection, the Committee should endorse the Country Rapporteur's conclusions in paragraphs 18 to 21 of the working paper and, in particular, his suggestion that the Committee should bring the matter to the attention of the Secretary-General.

45. What was the current position on the so-called "ethnic quota" system, under which posts were allocated to members of ethnic groups on the basis of their numbers and which reportedly had the effect of limiting access by Tutsis to posts in teaching and the public service?

46. Had the system of identity cards based on ethnic origin been abolished? Was it true that the Twa minority, which represented less than 1 per cent of the population, continued to be treated as second-class citizens by both the Hutu and the Tutsi, so that they were marginalized and excluded from the education system and from public life?

47. Mr. WOLFRUM, referring to a question asked by Mr. de Gouttes, said that, as he understood it, the Arusha Peace Agreement was not being fully implemented. That posed a threat to peace, not only in Rwanda, but in the whole area of the

Great Lakes. A situation of total insecurity and instability seemed to prevail in Rwanda.

48. Could the representative of Rwanda tell the Committee what steps had been taken by the Government to bring perpetrators of human rights violations to justice or whether they had been pardoned, since that seemed likely to encourage further violations? What was the involvement of militias attached to political parties in such human rights violations and were their activities restricted in any way? In his view, it was crucial for the Arusha Agreement to be implemented so that the re-democratization of Rwanda could go forward.

49. Mr. KARAMAGE (Rwanda) said that the signing of the Arusha Peace Agreement in January 1993 had been greeted with great hope by the Rwandese people, both within the country and in the diaspora. They looked forward to an era of reconciliation when they would be able to build the country's future together. But their hopes had been dashed, mainly because of the egoism of certain political leaders who were unable to agree on a compromise, although the attribution of ministerial portfolios had already been specified in the Arusha Agreement. It had been thought in January 1994 that the transitional institutions - the office of President, the transitional Government and the transitional National Assembly - were about to be established, but the scheduled date had been deferred time and again because of bickering among the political parties. In the meantime, there had been a political vacuum since the coalition Government had disbanded itself on 5 January.

50. In response to the report of the international commission of inquiry published in March 1993, the President and the Prime Minister had issued a declaration of intent in which they had undertaken to implement the commission's recommendations and bring to justice the offenders identified in the report. Certain officials had been dismissed as a result.

51. The regional and ethnic quota system, which had allocated positions in education and the administration to ethnic group members in proportion to their numbers, had disappeared with the advent of the multi-party system in June 1991.

52. The previous Government had decided to print new identity cards that did not mention ethnic origin, but, owing to the political vacuum, that decision had not yet been implemented.

53. He assured the Committee that the members of the Twa ethnic group were not treated as second-class citizens. Integration programmes existed to ensure that they enjoyed the same rights as the rest of the population.

54. He had been asked whether the militia of the former single ruling party had been involved in human rights violations, a question that had also been raised by the international commission of inquiry and the Special Rapporteur of the Commission on Human Rights on Torture. In his view, the groups described as militias were in fact the youth branches of a variety of different parties, since

militias had been banned under the multi-party system. Moreover, some members of the marauding groups were not attached to any political party.

55. He was convinced that the Arusha Peace Agreement contained the answers to all the questions posed by the Committee and that his country's political leaders, under pressure from the international community, would eventually be prevailed upon to implement it.

56. Mr. ABOUL-NASR noted that the representative of Rwanda blamed certain political parties for the failure to implement the Arusha Agreement. He asked him to comment on a letter that had been sent by the League for the Promotion and Defence of Human Rights in Rwanda, a body based in Geneva, to the Anti-Racism Information Service, a non-governmental organization, in which the President was said to have refused to attend a joint working meeting with the main parties concerned on ways of overcoming the political impasse. It was further alleged that the President and his party were undermining the very principle of the Peace Agreement, refusing to retreat from a posture that must inevitably lead to war.

57. Mr. DIACONU said that there were many similarities between the situations in Rwanda and Burundi: the composition of the population, the refugee problem and the problem of military activities being conducted from the territory of one country against the other. There was also a great deal of scope for cooperation between the two, for instance, in punishing those who committed acts of violence and other offences. A member of the Committee had earlier put forward the idea of a dialogue, perhaps in the form of a conference, between Rwanda and Burundi with the participation of other countries of the region and under the auspices of the Organization of African Unity. In the light of allegations that had come to the attention of the Committee in connection with its consideration of the situation in Burundi to the effect that Rwanda was encouraging attacks on Burundi from its territory, would the representative of Rwanda care to comment on that idea?

58. Mr. KARAMAGE (Rwanda), replying to the allegations made by the League for the Promotion and Defence of Human Rights in Rwanda, said that it was easy to portray the President of Rwanda as the main culprit in the current impasse, but difficult to prove. Who were the main parties referred to in the letter that he had allegedly refused to meet? All the parties represented in the former coalition Government were involved in the consultations to find suitable candidates for office in the transitional Government and National Assembly. The President himself had taken his oath under the new transitional arrangements on 5 January 1994, but the others had not followed suit. Their oath-taking ceremony had been postponed sine die. So how could the President be blamed for the impasse? He had formally undertaken to implement the Arusha Peace Agreement and, if he seemed under the current circumstances to be undermining its implementation, he was certainly not alone. The political parties were equally to blame.

59. In reply to Mr. Diaconu, he said that he had no objection to the idea of a forum bringing together Rwanda, Burundi and other countries of the region. He denied that Rwanda had played any role in the recent coup d'état in Burundi, although there might have been some involvement in the violent events that had followed.

60. In conclusion, he thanked the Committee for the interest it had shown in his country, which was one of the poorest in the world. He hoped to be in a better position to answer the Committee's questions the next time he appeared before it.

61. Mr. Karamage (Rwanda) withdrew.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-EIGHTH SESSION (agenda item 5) (continued):

(a) ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (General Assembly resolution 48/90) (continued);

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (General Assembly resolutions 48/119 and 48/120) (continued)

62. The CHAIRMAN said that the points requiring discussion under agenda item 5 included the revision of the general guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.3) to reflect the recommendations made in the Vienna Declaration; the highlighting of concluding observations and the elimination of summaries of dialogue in the annual report; the policy to be pursued with regard to press releases concerning concluding observations, taking into account the practice of other Committees; and the possibility of requesting resources for pre-sessional working groups. He invited comments on any or all of those points.

63. Mr. BANTON said that he had circulated a paper for consideration by the Committee containing his suggestions as to how the general guidelines might be amended to reflect the recommendations of the Vienna Declaration.

64. He thought that it would be a good idea to concentrate on the concluding observations and attach less importance to the time-consuming practice of including summaries of discussions in the annual report.

65. With regard to press releases concerning concluding observations, he understood that the Secretary had a collection of press reports relating to the Committee's August session which contained certain inaccuracies that might have been avoided if the compilers had had access to the concluding observations. He was therefore in favour of following the practice of some other treaty bodies and distributing the concluding observations at the last meeting of the session.

66. On the question of pre-sessional working groups, he drew attention to the existence of two documents: a reissue of the Secretariat note on the subject distributed at the preceding session and a note that he himself had prepared for the Bureau in which he had put forward the opposing view that the disadvantages of such an innovation would outweigh its benefits.

67. Mr. JOHNSON (Secretary of the Committee) pointed out that the reports in question were not United Nations press reports, but reports in the national press, which often mistakenly reported views expressed by individual members of the Committee as being those of the Committee as a whole; there was also confusion between the role of the Committee as a treaty monitoring body and as a political organ of the United Nations. Misapprehension arose because Governments did not have the Committee's concluding observations in their possession when

press reports were released. It was to avoid such confusion that the Human Rights Committee, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights had changed their working methods in such a way as to make their concluding observations available to all parties on the last day of their sessions.

68. The CHAIRMAN said that it was important for the Committee's work to receive better coverage in the national and international press.

69. Mr. DIACONU said that he was not in favour of eliminating the summaries of the Committee's dialogue with reporting States parties from the annual report. It should be clear that such a dialogue had taken place and that the Committee's suggestions and conclusions were the result of that dialogue. He agreed that the Committee's concluding observations should be given to the press on the last day of the session, as being those of the Committee as a whole. He would also agree that pre-sessional working groups would be useful in compiling lists of questions for reporting States, but he would be disinclined to ask for resources until such time as the amendment concerning the funding status of the Committee under the Convention had been ratified by United Nations Member States.

70. Mr. de GOUTTES said that he was fully in favour of making the Committee's concluding observations available at the end of sessions; that would dispel any confusion between individual views and the collective views of the Committee and would also be conducive to a better response to urgent situations. He shared Mr. Banton's views, as expressed in the note he had circulated, to the effect that pre-sessional working groups might place an undue burden on the Committee and might not be the most suitable procedure, agreeing in particular with the suggestion that, instead, the Committee might try harder to give reporting States advance notice of questions - or at least the main thrust of its questions. Many Governments complained that they were unable to give precise replies to sometimes very technical questions asked at the last minute. The Committee should perhaps draw on procedures followed in other similar bodies, bearing in mind that it was important that lists of questions should not be predetermined, but that all Committee members should be free to express their views.

71. The CHAIRMAN asked whether the implication of giving advance notice to reporting States was that country rapporteurs should provide the Governments concerned with their questions well in advance of the Committee's sessions.

72. Mr. de GOUTTES replied in the affirmative. Although there should be no hard and fast rule, he would suggest that the country rapporteur should make it his or her duty to establish contact with the representative of the reporting State a few days before the Committee's session - ideally, in the week preceding the consideration of its report, but even up to 48 hours in advance, to enable that State to reflect on the main questions that would arise.

73. Mr. WOLFRUM said he agreed with the suggestion that the Committee's concluding observations should be made available to States parties and the press at the end of the Committee's sessions. The failure to do so in the past had

given rise to misunderstandings and lent an aura of mystery to the Committee's deliberations that was not beneficial to its reputation. He, too, felt that a pre-sessional working group would be altogether inappropriate to the Committee's work, since questions formulated in advance inhibited open dialogue and further questioning when the report was considered, for instance, in response to the sometimes very substantial additional information provided by the representatives of States parties in their introductions. Although he fully appreciated Mr. de Gouttes' reasons for recommending that reporting States should be given advance notice of questions, such a practice could also be counter-productive. In the past, it had sometimes led to unexpected reactions on the part of States parties; he was reminded of one unpleasant case when the reporting State had turned the questions against the country rapporteur. Furthermore, from a practical point of view, the extra burden placed on country rapporteurs to produce presentable texts for submission to reporting States would deter Committee members from accepting duties as rapporteurs. One way of improving the situation might be to schedule meetings in such a way as to give reporting States sufficient time - a night or half a day - to prepare their replies.

74. The CHAIRMAN said that Mr. Wolfrum's last point was well taken and would certainly be considered by the Bureau, in consultation with the Secretariat. It would mean, for instance, advising reporting States that their presence would be required for somewhat longer than in the past and would require their cooperation in that regard.

75. Mr. BANTON recalled that the practice of allowing for an interval between the Committee's questions and the reporting State's replies had been followed in the past and depended very much on the arrangements the Secretariat was able to make with delegations. He agreed with Mr. de Gouttes that contact should be made with reporting States prior to the sessions at which their reports were to be considered, but considered that such contact should be made through the Secretariat and not independently by the country rapporteur. Although it would be useful for country rapporteurs to convey a note to the Secretariat containing their questions, they should not be required to do so.

76. Mr. FERRERO COSTA said he fully agreed that the Committee's concluding observations should be provided to the State party concerned and also to the press. He felt strongly about giving wider publicity to the Committee's work and recommendations, possibly in the form of a press conference at the conclusion of a session; periodic press reviews might also be considered. Communications technology should be used to the greatest extent possible.

77. Without prejudice to the possibility of considering the establishment of pre-sessional working groups in the future, there was no need to complicate the Committee's procedures, which had improved greatly in recent years, by introducing such a practice now. As to the question of giving reporting States lists of questions in advance, he, like other speakers, did not believe that there should be any obligation to do so, since such a practice would affect the spontaneity of the discussion and might, moreover, create an unfair distinction between reporting States that had representatives in Geneva and those that did not. He also agreed that some country rapporteurs might be unable to prepare

well-drafted lists of questions in advance of sessions. There was of course a good case for submitting questions in advance and some country rapporteurs might wish to do so, but there should be no set rule to that effect. On balance, he would be disinclined to give States parties advance notice of questions. Should the Committee decide, however, that that was the best course of action, any contacts should be made through the Secretariat and not independently by the country rapporteur. That indeed applied to any communication with States parties. He agreed that it was a good idea to allow extra time during a session to enable a reporting State to prepare its answers, but, there again, the procedure should be flexible.

78. Mr. YUTZIS said that the question of giving wider publicity to the Committee's work through the media had been a concern of his for some time. The Committee needed to depart to some extent from the somewhat isolationist position which it had adopted in the past and which had been partly due to its methods of work. It had improved its procedures and should continue in that direction. The Committee must, however, be realistic in its approach to publicity and, for example, to the holding of press conferences. The media, including the United Nations press services, must be well prepared in advance to ensure that they responded when the time came.

79. It was far more important to consolidate the Committee's existing methods of work than to introduce such new procedures as pre-sessional working groups, at least for the time being. He agreed that reporting States should have time to prepare their answers during sessions, but the difficulties that entailed should not be overlooked. Even during sessions, the programme of work sometimes had to be altered to accommodate reporting States' requests for a change of dates, for instance. It was sometimes possible, however, to arrange, in cooperation with States parties, for an interval to be left between questions and answers and the Secretariat might be requested to work out the Committee's agenda accordingly.

80. As to whether lists of questions should be conveyed to States parties in advance, the procedure must be flexible. By and large, he would be in favour of refraining from giving States advance notice of questions. Although there were some States that were genuinely concerned about preparing adequate answers to specific or highly technical questions, the members of the Committee were well aware that many, if not most, States preferred to be apprised of the questions in advance so that they could manipulate their answers. A question was in effect a piece of information and there was no need to make a gift of such information to Governments; sometimes it would even be a mistake to do so. In some cases, it might be left to the better judgement of the members of the Committee, but, in most cases, the Committee should be sparing in the amount of advance information it provided.

The meeting rose at 6.05 p.m.